

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC

v.

BED BATH & BEYOND, INC.

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Case No. 2:14-CV-566-JRG-RSP

**ORDER**

This case is set for a scheduling conference in Marshall, Texas on September 2, 2014 at 1:30 p.m. before the Honorable Rodney Gilstrap and the Honorable Roy Payne. The purpose of the scheduling conference will be to assign a claim construction hearing date and a trial setting. The parties shall be prepared to inform the Court whether they will consent to trial before the Magistrate Judge.

The parties shall prepare and submit a proposed docket control order, a proposed discovery order and a proposed protective order to the Court no later than two weeks after the scheduling conference.<sup>1</sup> These orders shall be guided by the sample docket control and discovery orders for patent cases, which can be found on the Court's website. The sample orders include provisions that require input from the parties. If the parties are unable to reach agreement on these provisions, then the parties shall submit to the Court their competing proposals along with a summary of their disagreements in a single joint submission.

The sample orders include provisions that are mandatory and are not subject to change without showing good cause. Good cause shall not be considered to be met simply by an indication of the parties' agreement. Should either party believe good cause can be shown to

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<sup>1</sup> Timely submission of the parties' proposed docket control order, proposed discovery order and proposed protective order will be viewed by the Court as complying with the conference requirement of Rule 26(f).

alter an otherwise mandatory provision, then such party shall file a separate motion to alter the provision after the parties have filed the proposed docket control and discovery orders with the mandatory provisions intact as previously required above.

Furthermore, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

6 Weeks After Scheduling Conference	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
3 Weeks After Scheduling Conference	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)
2 Weeks After Scheduling Conference	*File Proposed Docket Control Order, Proposed Discovery Order  The Proposed Docket Control Order and the Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
1 Week After Scheduling Conference	Join Additional Parties
3 Days After Scheduling Conference	*File Notice of Mediator
2 Weeks Before Scheduling Conference	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

**SIGNED this 7th day of August, 2014.**

  
 ROY S. PAYNE  
 UNITED STATES MAGISTRATE JUDGE